



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Examiner:
JEROME MAHONEY :
Serial No. 09/653,658 : MING CHOW
Filing Date: August 31, 2002 : Group Art Unit: 2645
For: VOICE ACTIVATED/VOICE : Attorney Docket No.:
RESPONSIVE ITEM LOCATOR : IVC-103A
: :

Honorable Director of Patents and Trademarks
Washington, DC 20231

DECLARATION UNDER RULE 1.132 OF JEROME MAHONEY

I, JEROME MAHONEY, of full age, do hereby declare:

1. I am the inventor in the above-identified Patent Application. I am also the President of iVoice, Inc. I hold a college degree and have been involved in software development and marketing for eight years. I have been directly involved in the creation, development and marketing of speech activated software and speech recognition software for more than four years.

2. I have read the Office Action dated July 3, 2002 in the above case, and the references relied upon by the Examiner, namely, the Perrone U.S. Patent No. 6,157,705 and

the Stubley, et al. U.S. Patent No. 6,092,045. I have reviewed the newly submitted Claims 11 through 30, included with the Response submitted with this Declaration.

3. The Stubley, et al. patent is relied upon to show speech recognition systems such as the Hidden Markov Model system and I acknowledge that these systems are known. However, the Perrone patent, which is the primary reference relied upon by the Examiner, describes voice control systems and suggests as one application, the presentation of a block of hotel rooms visually displayed and based on style or availability. However, Perrone does not teach or suggest the use of Hidden Markov Models or similar systems and clearly does not suggest or teach the use of the taught systems for locating products in retail stores.

4. Further, my company, iVoice, Inc., has had discussions with three major, nationally-known retail chain stores wherein we have already received one purchase order for one store. We are building demonstration systems for installation of the exact system set forth in new Claims 11, 13, 20 and other claims, for commercial use in retail stores to assist shoppers in locating consumer products.

5. To the best of my knowledge, I have never seen any government, institution, private entity, or competitor of my company propose or offer a voice activated/voice recognition system for locating products for a consumer. Until I invented this system, it did not exist. Since I invented this system and have recently offered it to retailers, it has been well-received and embraced, and national retailers who gross billions of dollars in sales each year have partially funded the trial system of the present invention which I am installing at select retail locations.

6. In view of the above, I submit that none of the prior art references, alone or in combination, teach or render the present invention obvious. Further, the commercial success and system reception which I am currently experiencing is further evidence of the unobviousness of the present invention.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willfully false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willfully false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: November 26, 2002

Jerome R Mahoney
JEROME MAHONEY